

## **ORDINANCE 07-13**

### **AN ORDINANCE OF THE TOWN OF WESTFIELD REGARDING VIDEO FRANCHISE FEES**

**WHEREAS**, the Town of Westfield, Indiana ("Town") is governed by its duly elected Town Council and is a duly formed municipal corporation in the State of Indiana and a "Unit" as defined in I.C. 8-1-34-12; and,

**WHEREAS**, the corporate boundaries of the Town of Westfield contain three (3) multichannel video programming distributors defined as "Providers" in I.C. 8-1-34-11; and,

**WHEREAS**, I.C. 8-1-34-24 describes a franchise fee to be paid to the Unit by the Provider no later than 45 days after the end of each calendar quarter; and,

**WHEREAS**, the manner in which those fees are to be paid is not specified by Statute; and,

**WHEREAS**, the Town is desirous of assisting those Providers operating in the Town by detailing the manner in which those fees are to be paid in an efficient and orderly fashion;

### **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, INDIANA:**

**Section I.** That the Providers as defined in I.C. 8-1-34-11 and subject to the provisions of I.C. 8-1-34-24 are hereby notified that the fees shall be 5% unless contractually set at a lower rate. All fees shall be delivered to the Westfield Clerk-Treasurer.

**Section II.** That the Westfield Clerk-Treasurer shall deposit said fees into the Cable Franchise Fee Account (101-640).

**Section III.** That any and all acts done to further this action are now deemed ratified by the Town Council. All Ordinances in conflict herein shall be deemed void.

2007038961 ORDI \$13.00  
07/12/2007 10:19:45A 2 PGS  
Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

ALL OF WHICH IS ORDAINED this 9 day of July, 2007.

**WESTFIELD TOWN COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

Andy Cook

Andy Cook

Andy Cook

John Dippel

John Dippel

John Dippel

Jack Hart

Jack Hart

Jack Hart

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

Robert J. Smith

Robert J. Smith

Robert J. Smith

Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:

Cindy J. Gossard  
Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:  
Brian J. Zaiger  
Krieg DeVault, LLP  
12800 North Meridian  
Carmel, IN 46032  
(317) 566-1112

"I affirm, under the penalties of perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

C. Gossard  
Signed